



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV - 5 2018

OFFICE OF THE
ADMINISTRATOR

Margaret Weichert
Acting Director
U.S. Office of Personnel Management
1900 E Street, NW
Washington, DC 20415

Dear Ms. Weichert:

The U.S. Environmental Protection Agency (EPA) is requesting an exception to the Qualifications Review Board case processing moratorium for Gautam Srinivasan for the position of Associate General Counsel for the Air and Radiation Office (ARLO).

The position of Associate is at the Office Director level in EPA. The position reports to the Deputy General Counsel (career). The Deputy General Counsel (career) reports to the Principal Deputy General Counsel and the General Counsel, both political positions. The position manages an office of 45 employees, the vast majority of who are attorneys. Policy matters within the Office of General Counsel are decided by the General Counsel and the Deputy General Counsels. The Associate provides his or her views to the General Counsel to take into consideration when making a policy decision. The Associate also provides legal advice to other policy makers within EPA for them to consider and weigh with other policy issues. Any new agency head is highly unlikely to have a personal interest in this position, instead relying on the General Counsel and Deputy General Counsels.

However, not filling the position at this time would have a significant impact on the agency because of the critical nature of the office to Administration priorities. The position is ultimately responsible for ensuring the 41 attorneys in ARLO are providing high quality and timely legal counsel to decisionmakers in EPA as well as to our partners at the Department of Justice, who represent EPA in litigation (this office averages 100 challenges to EPA actions each year). The Air and Radiation Law Office provides legal support to EPA's Office of Air and Radiation. The office counsels on all matters arising under the Clean Air Act and numerous other statutes as well. The Air and Radiation Law Office provides support both in rulemakings and other activities undertaken by EPA's Office of Air and Radiation and in defending EPA's actions in court when the Agency is sued.

The position plays a vital role in developing a number of the Administration's and the Agency's top policy priorities. For example, one of the most significant Agency actions is addressing greenhouse gas emissions from power plants. EPA has proposed to repeal a prior rule, the Clean Power Plan, and has proposed a replacement rule, The Affordable Clean Energy rule. These rulemaking efforts are high-profile actions that have generated intense public interest. The Associate played a significant role in developing

the legal rationales underpinning both proposals, drafting the respective Federal Register notices, and providing legal advice to agency decisionmakers. ARLO will continue to be heavily involved in these efforts as the Agency works to finalize these actions in 2019.

The Associate position has also had a lead role in another top Agency priority-streamlining the review and approval of state implementation plans (SIPs) to help the Agency comply with the Clean Air Act's deadlines for SIP actions. This effort is an important element of the Agency's strategic measure to meet all legal deadlines imposed on EPA by 2022. The position is helping to spearhead the development and initiation of an 18-month pilot project addressing legal review of SIP actions. Without a strong leader at the helm of this important office, it is difficult to carefully coordinate the work of the 45 employees to ensure that the legal advice being given is effective, clear, and correct.

This particular candidate is uniquely qualified to fill the position. He has worked in the Air and Radiation Law field for many years and is familiar with every aspect of the Clean Air Act. He has been instrumental in the EPA's promulgation of the Affordable Clean Energy Rule, and his knowledge of that rulemaking and the Administration's priorities is critical to defending it. He has reviewed rulemakings establishing NAAQS, worked on implementing NAAQS thorough State Implementation Plans and worked on interstate transport of ozone. He has worked on the two major permitting programs under the Clean Air Act. He is not a Schedule C or a noncareer SES appointment. He is acting in the position and his detail will expire on January 7, 2019.

The position of the Administrator of the EPA recently became vacant. The President has asked me to take over the duties as Acting Administrator for the foreseeable future.

If you have any questions or need additional information, please contact Jeremy Taylor, Director, Human Resources Management Division, at taylor.jeremy@epa.gov or (919) 541-0537, or Dorothy Carr, Lead Human Resources Specialist, at carr.dorothy@epa.gov or (919) 541-4356. We appreciate your attention to this request.

Sincerely,

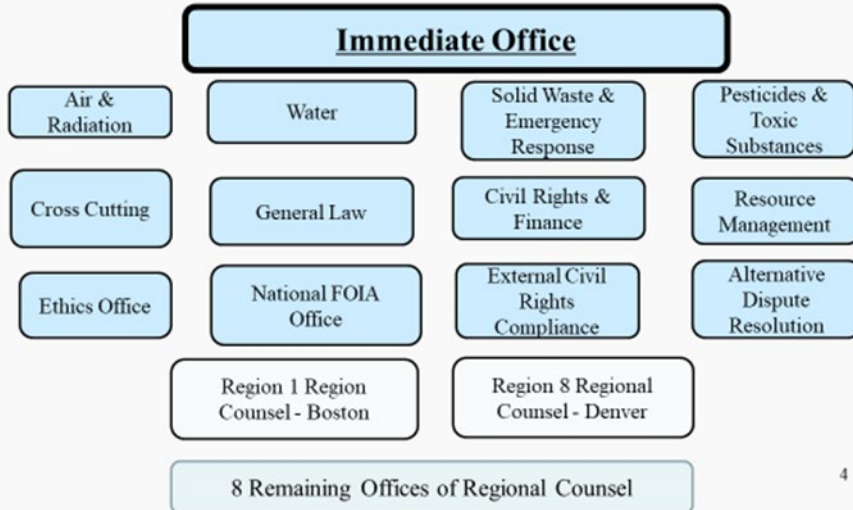
A handwritten signature in black ink, appearing to read "Andrew Wheeler", with a long horizontal flourish extending to the right.

Andrew R. Wheeler
Acting Administrator

Enclosures



OGC Organization Chart FY2018



GAUTAM SRINIVASAN

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A large black rectangular redaction box covers the contact information and other details of the candidate.

PROFILE SUMMARY

- Over 18 years of experience in EPA's Office of General Counsel providing legal counsel on nearly every major environmental statute.
- Led new national policy initiative on major Clean Act program by thinking creatively and adapting quickly to changing circumstances.
- Mentored and developed leaders in the Office of General Counsel to ensure successful succession planning and to provide long-term support for the Agency's goals.
- Adept at solving problems and providing critical decisions in order to produce results for customers.
- Managed contract of over \$600,000 to meet aggressive court deadline and to deliver successful litigation results for the Agency.
- Pragmatic and collaborative leader with demonstrated ability to lead broad engagement with stakeholders to inform Agency decisions.
- Built a strong and effective working relationship with the Department of Justice, a critical partner in defending the Agency before the courts.

EMPLOYMENT

U. S. Environmental Protection Agency, Office of General Counsel Feb. 1999 – present

I have worked in several law offices in OGC, and my experiences reflects the diverse role of an OGC attorney. I have provided legal counsel to client offices on every type of EPA action- rulemakings, enforcement actions, permitting decisions, approval and oversight of state programs, and general program implementation. I have managed litigation at every level of the Federal court system, including the Supreme Court. I have engaged stakeholders from across the spectrum in my efforts to advance the Agency's goals. Client offices rely on my counsel to achieve their goals in a legally defensible manner.

Air and Radiation Law Office

Acting Associate General Counsel

January 2018 - Present

Deputy Associate General Counsel

July 2015 - January 2018

Supervise an office of over 40 attorneys, 3 support staff and 1 paralegal. Successfully manage significant rulemaking and litigation docket. Direct the office's legal work on every aspect of the Clean Air Act and

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other relevant authorities. Provide guidance to attorneys to ensure delivery of high quality legal support to meet client objectives. Manage travel, training and award budgets to promote development and recognition of all employees.

Water Law Office, Assistant General Counsel

Feb. 2011 - July 2015

Managed the Scope and Implementation Practice Group. Led a team of approximately eight attorneys covering scope of the Clean Water Act, the national wetlands program under section 404, and several areas of section 402 permitting for pollutant discharges. Addressed some of the most complicated issues under the Clean Water Act, including jurisdiction of the Clean Water Act, permitting of Mountaintop Mining operations, regulation of pesticide discharges and discharges from ocean vessels.

Air and Radiation Law Office, Staff Attorney

May 2008 - Feb. 2011

Staffed numerous Title V objections, with a focus primarily on applicability of New Source Review permitting requirements. Lead staff attorney on rulemaking to reconsider the 2008 National Ambient Air Quality Standard for ozone. Secured precedential victory for EPA in preserving agency enforcement discretion under New Source Review permitting program.

Office of General Counsel, Immediate Office, Special Assistant

July 2007 - April 2008

Spearheaded OGC's work to coordinate Agency input under the National Environmental Policy Act. Served as a liaison between the General Counsel and several OGC offices. Provided direction on briefs and other issues on behalf of General Counsel.

Pesticides and Toxic Substances Law Office, Staff Attorney

Feb. 1999 - July 2007

Lead agency counsel in negotiations with multiple chemical companies, public interest groups, and other government agencies to develop testing agreements under TSCA for the chemicals PFAS and PFOA. Led team of attorneys in addressing public health concerns of the pesticide lindane, ultimately leading to its ban from use. Also served as lead OGC attorney on approval, implementation, and oversight of state permitting programs under the hazardous waste national program under the Resource Conservation and Recovery Act and the national pollutant discharge permitting program under the Clean Water Act.

AWARDS

- 2015 US EPA Gold Medal team award for finalizing Clean Water Rule
- 2011 US EPA Gold Medal team award for finalization of the Pesticide General Permit
- 2008 US EPA Gold Medal team award for managing risk from perfluorinated compounds

- 2015 Region 8 Bronze Medal for Gasco litigation team
- 2015 Office of Water Bronze Medal for efforts to propose a rule establishing the foundation for implementing the Clean Water Act
- 2015 OGC Bronze Medal for developing record to support the Clean Water Rule
- 2014 OGC Bronze Medal for helping publish a proposed rule defining jurisdiction under the Clean Water Act
- 2010 Region 6 Bronze Medal for Aspen Power permitting team

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- 2010 OGC Bronze Medal for finalizing a rulemaking to address air emissions from ocean-going vessels
- 2009 Region 9 Bronze Medal for reviewing Alaska's application to implement Clean Water Act permitting
- 2008 Office of Pollution Prevention and Toxics Bronze Medal for promulgation of the Significant New Use Rule for PFAS chemicals
- 2007 Office of Pollution Prevention and Toxics Bronze Medal for promulgation of amendments to the TSCA section 12(b) requirements and support for the Inventory Update Rule
- 2007 OGC Bronze Medal for completing review of organophosphate pesticide tolerances
- 2006 Office of Pollution Prevention and Toxics Bronze Medal for developing registration decision and ultimate cancellation of lindane
- 2006 Office of Pollution Prevention and Toxics Bronze Medal for efforts to reduce hazards and risks associated with PFOA/PFOS
- 2006 Office of Pollution Prevention and Toxics Bronze Medal for development of organic arsenical herbicide registration decision
- 2003 Office of Pollution Prevention and Toxics Bronze Medal for reducing risks associated with PFOS and bringing the Acrylamide rulemaking to closure
- 2003 Office of Pollution Prevention and Toxics Bronze Medal for promulgation of final rule amending the Inventory Update Rule
- 2009 US EPA Exemplary Customer Service Award for assisting in timely response to state requests for fuel waivers
- 2016 Department of Justice, Commendation for outstanding performance and invaluable assistance in support of the activities of the Environment and Natural Resources Division

EDUCATION

Tulane Law School

Juris Doctor, May 1998; Certificate in Environmental Law

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Honors: Cum Laude; Tulane Law Scholarship recipient; Tulane Environmental Law Journal, Senior Articles Editor; Tulane Environmental Law Clinic

Davidson College

Bachelor of Arts, Political Science, May 1995

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Honors: Cum Laude; Honors in Political Science